

RESOLUTION NO. 12-108

RESOLUTION REPEALING AND RESCINDING HIALEAH, FLA., RESOLUTION 09-53 (MAY 12, 2009) THAT AUTHORIZED THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A BUS SHELTER EASEMENT AGREEMENT WITH THE HOME DEPOT USA, INC., A DELAWARE CORPORATION, WHEREIN THE CITY OF HIALEAH AND ITS LICENSEE ARE GRANTED AN EASEMENT FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE AND REPAIR OF A TRANSIT OR BUS PASSENGER SHELTER AT TWO LOCATIONS AND FURTHER TERMINATING THE EASEMENT.

WHEREAS, the City Council adopted Resolution 09-53 (May 14, 2009) authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah to enter in a bus shelter easement with Home Depot USA, Inc.;

WHEREAS, the bus shelters were never installed as contemplated under the agreement; and

WHEREAS, in order avoid the mutual obligations under the easement agreement the City of Hialeah and Home Depot have agreed to terminate the agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: **Repeal of Hialeah, Fla., Resolution 09-53.** Hialeah, Fla., Resolution 09-53 (May 14, 2009) is hereby repealed and rescinded in its entirety and the bus shelter easement is hereby terminated.

Section 2: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

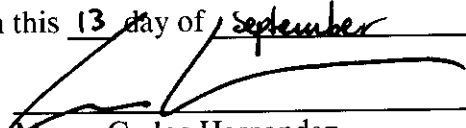
PASSED and ADOPTED this 11 day of September, 2012.


Isis Garcia Martinez
Council President

Attest:


David Concepcion, City Clerk

Approved on this 13 day of September, 2012.


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".